The Office of the Registrar of Lobbyists (“ORL”) is responsible for monitoring compliance with British Columbia’s Lobbyists Registration Act (“LRA”) and the associated regulations. The underlying objective of the LRA is to ensure transparency of legitimate lobbying activities so that members of the public are made aware of who is attempting to influence government decisions.

The ORL will seek compliance with the LRA through an escalating continuum of compliance and enforcement measures, including education and training, verification of registration information, compliance monitoring, investigation and administrative penalties.

1. PURPOSES OF THESE POLICIES AND PROCEDURES

1.1 These policies and procedures have been established to advise members of the public and those engaged in lobbying as to what will guide the ORL in the exercise of its duties under the LRA and the regulations. These policies and procedures do not fetter the registrar’s ability to depart from these policies and procedures based on considerations of law or jurisdiction, or in special circumstances.
2. POWERS AND RESPONSIBILITIES OF THE REGISTRAR

Responsibilities of the registrar

2.1 The registrar is responsible for monitoring, promoting, and enforcing compliance with the LRA.

2.2 The registrar is responsible for exercising the responsibilities conferred on the registrar under the LRA, including:

2.2.1 Managing the lobbyists registry;

2.2.2 Overseeing the registration of lobbyists, in accordance with ss. 4 and 7 of the LRA;

2.2.3 Investigating to determine whether a person has complied with the LRA or the regulations, in accordance with s. 7.1 of the LRA;

2.2.4 Giving a person the opportunity to be heard, in accordance with s. 7.2 of the LRA if, after an investigation, the registrar believes the person has not complied with a provision of the LRA or the regulations;

2.2.5 Issuing administrative penalties, in accordance with s. 7.2(2) of the LRA;

2.2.6 Submitting reports of non-compliance to the Legislative Assembly, in accordance with s. 7.8 of the LRA;

2.2.7 Ensuring public accessibility to information in the online lobbyists registry;

2.2.8 Promoting compliance through public education, in accordance with s. 9.4 of the LRA.

Powers of the registrar

2.3 The registrar has the powers conferred on the registrar under the LRA, including the power to:

2.3.1 Accept, reject or terminate any registration or change to any registration, in accordance with s. 7 of the LRA;

2.3.2 Exempt a person from the contracting prohibition, which says that a person must not simultaneously lobby and give paid advice to the government on the same issue, in accordance with s. 2.2 of the LRA;
2.3.3 Prohibit a person who has been convicted of an offence under the LRA from lobbying for up to 2 years, if the registrar considers this measure to be in the public interest, in accordance with s. 10(7) of the LRA;

2.3.4 Compel the attendance of a person before the registrar to answer questions on oath or affirmation, in accordance with s. 7.5(1)(a) of the LRA;

2.3.5 Compel a person to produce a record in the custody or under the control of the person, in accordance with s. 7.5(1) (b) of the LRA;

3. DESIGNATED FILERS

3.1 A designated filer, as defined in s. 1(1) of the LRA, is:

3.1.1 A consultant lobbyist; or

3.1.2 In the case of an organization that employs one or more in-house lobbyists:

   (i) the most senior officer of the organization who receives payment for performing his or her function; or

   (ii) if there is no senior officer who receives payment, the most senior in-house lobbyist.

3.2 The senior officer is the most senior person in the organization who receives payment to perform his or her function.

3.3 The Registrar of Lobbyists is prepared to accept that the obligations of the "senior officer" for an organization will be satisfied if the senior officer for the organization in British Columbia complies with the LRA's filing requirements.

4. VERIFYING THE IDENTITY OF DESIGNATED FILERS

4.1 To register, Designated Filers must obtain a business British Columbia electronic identification ("BCeID")\(^1\). Those who have obtained a business BCeID are not required to verify their identity to the registrar.

4.2 Designated Filers who are not able to obtain a business BCeID must obtain a basic BCeID and verify their identity with the registrar before they will be able to register.

\(^1\) www.bceid.bc.ca
4.3 Acceptable identification documents include government-issued picture identification such as a driver's license, passport or permanent resident card.

5. REVIEW AND VERIFICATION OF REGISTRATION INFORMATION

Initial registration

5.1 Designated Filers must make all reasonable efforts to ensure that the information they submit to the registrar is complete, unambiguous and accurate.

5.2 All registrations will be reviewed by the registrar before they are accepted.

5.3 If the registrar believes information in a new return is incomplete, ambiguous or inaccurate, the registrar will request the information be supplemented, verified or corrected before accepting the return. The registrar’s request will normally be made by email and the Designated Filer has 30 days to address the registrar’s concerns. If the registrar’s concerns are not addressed to the registrar’s satisfaction within 30 days the registration will be rejected and the Designated Filer will be deemed to have not filed a return: LRA, s. 7.

Reporting changes to information in the registration

5.4 Designated Filers must report to the registrar any changes to their existing registration within 30 days of the change or within 30 days of when the Designated Filer acquired knowledge of the change, in accordance with s. 4(2) of the LRA.

5.5 If the registrar believes information in an amended return is incomplete, inconsistent or inaccurate, the registrar will request the information be supplemented, verified or corrected before accepting the return. This will normally be done by email and the Designated Filer has 30 days to address the registrar’s concerns, in accordance with s. 4(2)(c) of the LRA. If the registrar’s concerns are not addressed to the registrar’s satisfaction within the 30 days, the matter will be referred for a compliance investigation.

6. REQUESTING AN EXEMPTION FROM THE CONTRACTING PROHIBITION

6.1 Section 2.1(2)(a) prohibits a person from lobbying on a matter for which the person, or a person associated with that person, holds a contract for providing paid advice to the government of British Columbia or a Provincial entity.

6.2 Section 2.1(2)(b) prohibits a person from entering into a contract for providing paid advice on a matter in relation to which the person, or a person associated with that person, is lobbying.
6.3 Requests to the Registrar under s. 2.2 for exemptions from sections 2.1(2)(a) or (b) must be made in writing, and must:

6.3.1 Provide details concerning the intended lobbying or the nature of the intended contract for providing paid advice into which the person wishes to enter;

6.3.2 Provide specifics concerning the association that gives rise to section 2.1(2) (a) or (b);

6.3.3 Explain why the person believes an exemption would be in the public interest.

6.4 The Registrar will attempt to provide a response in writing to the request for an exemption within 15 days.

7. COMPLIANCE INVESTIGATIONS

7.1 Matters of possible non-compliance may come to the attention of the registrar in a number of ways, including, but not limited to, information contained in a return, complaints from the public or media reports.

7.2 Non-compliance by a person under the LRA includes:

7.2.1 Failing to register lobbying activities;

7.2.2 Registering late;

7.2.3 Failing to report changes to the information in the return or late reporting of changes to the return;

7.2.4 Failing to provide the requisite information in the return;

7.2.5 Lobbying on a subject matter prohibited by section 2.1(2) of the LRA;

7.2.6 Providing false or misleading information in the return.

7.3 Any individual may file a complaint concerning alleged violations of the LRA. The complaint should state the name and address of the subject of the complaint, and a description of the facts that are alleged to constitute a violation of the LRA.

7.4 The registrar may conduct an investigation, in accordance with s. 7.1(1) of the LRA, if the registrar considers it necessary to establish whether there is or has been compliance by any person with the LRA or the regulations.
7.5 During an investigation, the registrar will make inquiries that may include reviewing information in a return or other documents and contacting a public office holder, Designated Filer or other person. The registrar may also obtain information and/or records from other relevant sources.

7.6 During an investigation, the registrar may make an order requiring a person to answer questions on oath or affirmation or to produce a record in the custody or under the control of the person, in accordance with s. 7.5(1) of the LRA. Any record demanded must be produced to the registrar within 10 days.

7.7 In accordance with s. 7.7 of the LRA, the registrar may decide to conduct all or portions of the investigation on a confidential basis, meaning that the registrar may receive information or interview people in confidence, to the exclusion of any other person, if the registrar believes it is necessary to achieve the ends of an investigation or for any other valid reason.

Discontinuing an investigation

7.8 In accordance with s. 7.1(2) of the LRA, the registrar may refuse to investigate or may cease an investigation with respect to any matter if the registrar believes that:

7.8.1 The matter could more appropriately be dealt with under another enactment;

7.8.2 The matter is minor or trivial;

7.8.3 Dealing with the matter would serve no useful purpose because of the length of time that has elapsed since the matter arose;

7.8.4 There is any other valid reason for not investigating the matter; or

7.8.5 The registrar discovers that a charge has been laid or that the subject matter of the investigation is also the subject matter of an investigation to determine whether an offence has been committed, in which case the investigation must be suspended.

7.9 If the registrar either refuses to investigate alleged non-compliance or ceases an investigation into alleged non-compliance, the registrar may decide to issue a report, and may make the report available to the public, if the registrar considers it to be in the public interest, in accordance with s. 7.9 of the LRA.

Notice of alleged contravention

7.10 If, after investigation, the registrar believes that a person has not complied with a provision of the LRA or regulation, the person will be given notice, in
acccordance with s. 7.2(1)(a) of the LRA. The notice will provide particulars concerning:

7.10.1 The alleged contravention and the section of the LRA that is at issue;

7.10.2 The reasons why the registrar believes there has been a contravention of the LRA;

7.10.3 How the person may exercise an opportunity to be heard respecting the alleged contravention.

Decision of the registrar and administrative penalty

7.11 After giving the person the opportunity to be heard, the registrar will make a determination, on a balance of probabilities, as to whether the person has or has not complied with the LRA or the regulations. The registrar will inform the person in writing of the registrar’s findings respecting the alleged contravention.

7.12 If the registrar determines the person has not complied with the LRA or the regulations, in accordance with s. 7.2(2)(c) of the LRA, the registrar will give the person notice of:

7.12.1 The reasons for the registrar’s decision;

7.12.2 Whether a penalty is imposed, the amount of the penalty, the reason for the amount of the penalty and the date by which the penalty must be paid; and

7.12.3 The person’s right to request a reconsideration of both the decision and the penalty.

7.13 The registrar will inform the person by sending the final decision by registered mail or by such other means as the registrar determines is appropriate in the circumstances.

Determining the amount of an administrative penalty

7.14 In determining the amount of the administrative penalty, the registrar will consider, among other things:

7.14.1 Previous enforcement actions for contraventions of a similar nature by the person;

7.14.2 The gravity and magnitude of the contravention;

7.14.3 Whether the contravention was deliberate;

7.14.5 Any economic benefit derived from the contravention; and
7.14.6 The person’s efforts to report and/or correct the contravention.

8. **RECONSIDERATION**

8.1 Within 30 days of being informed of a contravention, a person may request that the registrar reconsider the decision.

8.2 In accordance with s. 7.3(2) of the LRA, the request to the registrar must be in writing and identify the grounds on which reconsideration is requested.

8.3 On receiving a request for reconsideration, the registrar must, in accordance with s. 7.3(3) of the LRA:

8.3.1 Consider the grounds on which the reconsideration is requested;

8.3.2 Either rescind the decision, the administrative penalty, or both; or confirm or vary the amount of the penalty;

8.3.3 Extend the date by which the penalty must be paid; and

8.3.4 Notify, in writing, the person requesting the reconsideration of the results of the reconsideration and the reasons why the initial decision was confirmed, varied or rescinded.

9. **PAYMENT OF ADMINISTRATIVE PENALTIES**

9.1 A person on whom an administrative penalty is imposed must pay the administrative penalty on or before the date stated in the decision of the registrar, or, if the matter has been reconsidered, on the date specified in the reconsideration decision.

9.2 If a person fails to pay the penalty on or before the date the penalty is due, the registrar may file a certified copy of the notice imposing the penalty with the Supreme Court or Provincial Court of British Columbia. On being filed, the notice has the same force and effect as if it were a judgement of the court: LRA, s. 7.4.

9.3 Where the registrar suspends an investigation due to such a referral, the registrar will notify the person in writing that the matter has been referred to prosecution.
10. DEFINITIONS

“administrative penalty” means a monetary penalty that may be imposed by an oversight agency, even without a criminal prosecution;

"consultant lobbyist" means an individual who, for payment, undertakes to lobby on behalf of a client;

"designated filer" means

(a) a consultant lobbyist, or
(b) in the case of an organization that has an in-house lobbyist,
   (i) the most senior officer of the organization who receives payment for performing his or her functions, or
   (ii) if there is no senior officer who receives payment, the most senior in-house lobbyist;

"in-house lobbyist" means an employee, an officer or a director of an organization

(a) who receives a payment for the performance of his or her functions, and
(b) whose lobbying or duty to lobby on behalf of the organization or an affiliate, either alone or together with other individuals in the organization,
   (i) amounts to at least 100 hours annually, or
   (ii) otherwise meets criteria established by the regulations;

"lobby", subject to section 2 (2), means,

(a) in relation to a lobbyist, to communicate with a public office holder in an attempt to influence
   (i) the development of any legislative proposal by the government of British Columbia, a Provincial entity or a member of the Legislative Assembly,
   (ii) the introduction, amendment, passage or defeat of any Bill or resolution in or before the Legislative Assembly,
   (iii) the development or enactment of any regulation, including the enactment of a regulation for the purposes of amending or repealing a regulation,
(iv) the development, establishment, amendment or termination of any program, policy, directive or guideline of the government of British Columbia or a Provincial entity,

(v) the awarding, amendment or termination of any contract, grant or financial benefit by or on behalf of the government of British Columbia or a Provincial entity,

(vi) a decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown, a Provincial entity or the public, or

(vii) a decision by the Executive Council or a member of the Executive Council to have the private sector instead of the Crown provide goods or services to the government of British Columbia or a Provincial entity,

(b) in relation to a consultant lobbyist only, to arrange a meeting between a public office holder and any other individual, and

(c) in relation to an in-house lobbyist only, to arrange a meeting between a public office holder and any other individual for the purposes of attempting to influence any of the matters referred to in paragraph (a) of this definition;

“lobbyist” means a consultant lobbyist or an in-house lobbyist;

“organization” includes any of the following, whether incorporated, unincorporated, a sole proprietorship or a partnership:

(a) a person other than a person on whose behalf a consultant lobbyist undertakes to lobby;

(b) a business, trade, industry, professional or voluntary organization;

(c) a trade union or labour organization;

(d) a chamber of commerce or board of trade;

(e) a charitable or non-profit organization, association, society, coalition or interest group;

(f) a government, other than the government of British Columbia;

“payment” subject to section 2.1, means money or anything of value and includes a contract, a promise or an agreement to pay money or anything else of value, but does not include a reimbursement of expenses;
“prosecution” means conduct of legal proceedings against a defendant for criminal behaviour under the Offence Act;

"registrar" means the person designated as registrar under section 7 (1);

"registry" means the registry established under section 7 (2);

"senior officer", in relation to an organization, means the most senior officer of the organization who is compensated for performing his or her duties.